

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CONCORD COMMUNITIES, L.P., et al.

Petitioners,

No. C 05-04094 JSW

v.

THE CITY OF CONCORD, et al.

**ORDER DENYING  
PETITIONERS' REQUEST FOR  
LEAVE TO FILE A MOTION FOR  
RECONSIDERATION**

Respondents,

and

TENANTS RESIDING AT ADOBE MOBILE  
LODGE AND DIABLO MOBILE LODGE,

Real Parties in Interest.

On March 15, 2006, Petitioners filed a request for leave to file a motion for reconsideration on the Court's order granting Respondents' motion to dismiss or stay. A party moving for reconsideration must first seek leave of the court to file such a motion and must specifically demonstrate: (1) that at the time of the motion for leave, a material difference in fact or law exists from that which was presented to the Court before entry of the interlocutory order for which reconsideration is sought; or (2) the emergence of new material facts or change of law occurring after the time of such order; or (3) a manifest failure by the Court to consider material facts or dispositive legal arguments which were presented to the Court before such interlocutory order. Civil L.R. 7-9(a) and (b). Petitioners argue that this Court failed to consider dispositive legal arguments which they presented to the Court.

1 The Court granted Respondents' motion to abstain from adjudicating this matter under  
2 the *Younger* doctrine. In *Younger v. Harris*, 401 U.S. 37 (1971), the Supreme Court  
3 "espouse[d] a strong federal policy against federal-court interference with pending state judicial  
4 proceedings." *H.C. v. Koppel*, 203 F.3d 610, 613 (9th Cir.2000) (internal quotations omitted).  
5 The Court did not reach the merits of Petitioners' claims, but rather, pursuant to the *Younger*  
6 doctrine, dismissed without prejudice Petitioners' claims for equitable relief and stayed  
7 Petitioners' claims for damages pending resolution of the state court proceedings. Petitioners'  
8 request for leave to file a motion for reconsideration addresses arguments they made regarding  
9 the merits of their claims. Whether Petitioners may or may not have meritorious takings claims  
10 under the Due Process Clause does not undermine the basis of this Court's order granting  
11 Respondents' motion to dismiss or stay pursuant to the *Younger* doctrine. Therefore, Petitioners  
12 have not demonstrated a manifest failure by the Court to consider *dispositive* legal arguments.  
13 Accordingly, the Court DENIES Petitioners' request to file a motion for reconsideration.

14 **IT IS SO ORDERED.**

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16 Dated: April 19, 2006

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19 JEFFREY S. WHITE  
20 UNITED STATES DISTRICT JUDGE  
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